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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,966

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-7 and 9-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabkel US Patent No. 5,963,626.

1.1 Regarding claim 1, Nabkel discloses a voice messaging system, which is can be implemented on, or adjunct to telephone switching networks and customer premises equipment (CPE) (column 4, lines 55-60), and a voice messaging system with telephone answering and recording functions is a telephone answering device.

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Nabkel's system, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, comprising:

a telephone line interface for accepting telephone calls from callers (column 2, lines 28-32; column 5, lines 61-65);

a controller for comparing user IDs and PINs (column 2, lines 30-37; column 4, lines 27-33);

a secured message authorization module adapted to allow a party [subscriber] calling said voice messaging system to separately secure a voice message by assigning a PIN associated with a particular recipient (column 2, lines 58-65; column 3, lines 53-58); and

the voice message secured with a PIN is accessible only by a user (anyone accessing the voice messaging system is a user of the system) with the assigned PIN (column 4, lines 37-47).

1.2 Regarding claim 2, Nabkel's system further comprising:

a playback/recording module adapted to record said voice message (column 3, lines 16-26; column 5, lines 45-46).

1.3 Regarding claim 3, Nabkel' system according claim 1, further comprising:

an authorized security code table including information relating to an ability of a party calling the voice messaging system to separately secure a voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.4 Regarding claim 4, Nabkel's system according to claim 3, wherein:

said authorized security code table further includes at least one security code (PIN) allowing at least one user for access to said separately secured voice message (column 2, lines 58-65; column 3, lines 53-58; column 4, lines 37-47).

1.5 Regarding claim 5, Nabkel's system according to claim 3, wherein:

said authorized security code table is adapted to includes call related information (PIN) relating to at least one calling party [subscriber] authorized to secure a voice message (column 2, lines 28-32, 58-65).

1.6 Regarding claim 6, Nabkel's system according claim 1, wherein:

said secured message authorization module is adapted to allow a party calling the voice messaging system to secure a voice message upon entry of a PIN (column 2, lines 28-32, 58-65).

1.7 Regarding claim 7, Nabkel's system according claim 1, wherein:

said secured message authorized module is adapted to allow a party calling the voice messaging system to secure a voice message upon matching call related information (PIN) relating to the party with a pre-stored PIN (column 2, lines 28-32).

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1.8 Regarding claim 9, Nabkel's system according claim 1, further comprising:

a call related information detector/receiver adapted to detect and receive call related information (PIN) regarding a calling party (column 2, lines 28-32; column 6, lines 10-19).

1.9 Regarding claim 10, Nabkel's system according claim 1, wherein:

said controller is adapted to compare call related information received regarding a party calling the voice messaging system, with at least one pre-stored authorized security code to allow said party to separately secure a voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.10 Regarding claim 11, Nabkel discloses a voice messaging system, which is can be implemented on, or adjunct to telephone switching networks and customer premises equipment (CPE) (column 4, lines 55-60), and a voice messaging system with telephone answering and recording functions is a telephone answering device.

Nabkel's method, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

prompting a party calling the voice messaging system to enter a authorized security code (column 2, lines 28-32);

comparing an entered authorized security code to at least one pre-stored authorized security code accessible by said voice messaging system (column 2, lines 30-37); and

upon matching said entered authorized security code with at least one pre-stored authorized security code (column 2, lines 28-37);

allowing the party calling the voice messaging system to record a voice message and to secure said voice message with a PIN (column 3, lines 53-58) for access only by a user (anyone accessing the voice messaging system is a user of the system) with the assigned PIN (column 4, lines 37-47).

1.11 Regarding claim 12, Nabkel's method for securing a voice message according to claim 11, where in:

said securing is performed after said message is being recorded (column 3, lines 53-58, figure 3).

1.12 Regarding claims 13 and 14, Nabkel teaches a method for securing a voice message on a voice messaging system according to claim 11, where in:

said securing is performed before and while said message is being recorded (column 2, lines 58-65).

1.13 Regarding claim 15, Nabkel teaches that a party calling the voice messaging system is prompted to enter his PIN (column 2, lines 28-30), Nabkel also teaches interfacing with DTMF via a telephone (column 5, lines 61-65).

1.14 Regarding claim 16, Nabkel discloses a voice messaging system, which is can be implemented on, or adjunct to telephone switching networks and customer premises equipment (CPE) (column 4, lines 55-60), and a voice messaging system with telephone answering and recording functions is a telephone answering device. Nabkel's method, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

prompting a user [a party calling the voice messaging system is a user] to enter a PIN [security code] on a voice message-by-voice message basis for voice messages secured by another party (column 4, lines 37-47, 50-52; figure 5, steps 162-170);

comparing an entered PIN to at least one pre-stored PIN (column 4, lines 37-47);
and

upon matching said entered PIN with said at least one pre-stored PIN, allowing the user for accessing a secured voice message (column 4, lines 37-47).

1.15 Regarding claim 17, Nabkel teaches entering a PIN [security code] for each of said voice messages (column 4, lines 50-52; figure 5, steps 162-170).

1.16 Regarding claim 18, Nabkel discloses a voice messaging system, which is can be implemented on, or adjunct to telephone switching networks and customer premises equipment (CPE) (column 4, lines 55-60), and a voice messaging system with telephone answering and recording functions is a telephone answering device.

Nabkel's system, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

means for prompting a party calling the voice messaging system to enter an authorized PIN [security code] (column 2, lines 28-30);

means for comparing an entered authorized PIN to at least on pre-stored authorized PIN accessible by the voice messaging system (column 2, lines 30-37); and

means for securing in a single mailbox of the voice messaging system a recorded voice message, secured with a PIN (column 3, lines 53-58), for access only by a user (anyone accessing the voice messaging system is a user of the system) with the assigned PIN (column 4, lines 37-47) to play back said voice message, upon matching said entered authorized PIN with at least one pre-stored authorized PIN (column 3, lines 53-58; column 4, lines 37-47).

1.17 Regarding claim 19, Nabkel's system according to claim 18, wherein:

said means for securing secures said voice message after it is being recorded (column 3, lines 53-58, figure 3).

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1.18 Regarding claim s 20 and 21, Nabkel's system according to claim 18, wherein:

said means for securing secures said voice message before and while it is being recorded (column 3, lines 53-58, figure 3).

1.19 Regarding claim 22, Nabkel's system includes means for entering said security code from a calling party's [subscriber] telephone (column 2, lines 28-30; column 5, lines 61-65).

1.20 Regarding claim 23, Nabkel discloses a voice messaging system, which is can be implemented on, or adjunct to telephone switching networks and customer premises equipment (CPE) (column 4, lines 55-60), and a voice messaging system with telephone answering and recording functions is a telephone answering device.

Nabkel's system, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

means for prompting a user [a party calling the voice messaging system is a user] to enter a PIN [security code] on a voice message-by-voice message basis for voice messages secured by another party (column 4, lines 37-47, 50-52; figure 5, steps 162-170);

means for comparing an entered PIN to at least one pre-stored PIN (column 4, lines 37-47); and

means for allowing said user access to an underlying voice message secured in a single mailbox of the voice messaging system, upon matching said entered PIN with at least one pre-stored PIN (column 4, lines 37-47);

1.21 Regarding claim 24, the Nabkel system according to claim 23, further comprising:

means for entering a PIN [security code] for each secured voice message (column 4, lines 50-52; figure 5, steps 162-170).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US Patent No. 5,963,626 in view of Oberlander et al. US Patent No. 5,825,865.

Nabkel discloses a voice messaging system in that a first calling party (column 2, lines 28-32) can leave voice message with specified security parameters (column 3, lines 53-55) to a second calling party (column 4, lines 37-47). Nabkel fail to teach that the voice message includes a header containing a secure status of said voice message.

However, Oberlander discloses a multimedia messaging system in figure 1. Oberlander teaches that in addition to a destination ID, a message header includes a personal ID of a recipient (column 4, lines 27-31, 44-52; Figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nabkel's reference with the teaching of Oberlander, so that the PIN associated with a recipient of a voice messages would have been stored in the header portion of said voice message, because such a modification would have clarified the Nabkel's teaching of how the PIN was attached to a voice message.

Response to Arguments

3. Applicants' arguments filed 01/06/2003 have been fully considered but they are not persuasive.

The applicants argue on page 9, lines 1-5 that Nabkel fails to teach allowing a calling party to secure a voice message, i.e. a party calling a telephone answering device to separately secure a voice message in a single mailbox for access only a user authorized to playback the voice message.

Examiner disagree with the above argument based on:

a) Nabkel discloses a voice messaging system which not only can be implemented using a network, or adjunct to a communication station, but can also be implemented on a Customer Premises Equipment (CPE) (column 4, lines 55-60). A

voice messaging system with telephone answering and recording functions is a telephone answering device.

b) Nabkel teaches that a first party calls (column 2, lines 28-30; column 5, lines 61-65) the voice messaging system to leave a secured voice message for a second party by assigning a PIN associated with the second party (column 3, lines 53-58), and the second party calls the voice messaging system to retrieve the secured voice message for playback (column 4, lines 37-47).

c) Nabkel teaches using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users. In Nabkel's system, the first party and the second party both access the same mailbox or memory area.

In short, Nabkel teaches that a first party calls a voice messaging system to leave a secured voice message for a second party by assigning a PIN, associated with the second party, to the voice message. The second party, using his PIN, retrieves and plays back the secured voice message.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

03/06/2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

